



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 29 2009

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7005 3110 5943 1870

Anthony Meola
1509 Eagle Street
Utica, NY 13501

Re: Field Citation Number: II-UST-FC-537EC
Facility ID Number: 6-502936
East Side Glass
400 Broad Street
Utica, NY 13501

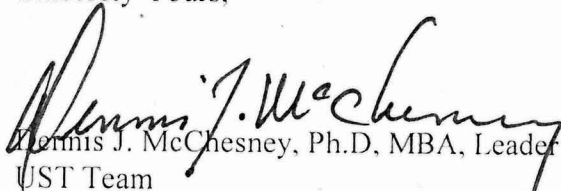
Dear Mr. Meola:

The U.S. Environmental Protection Agency (EPA) Region 2 is in receipt of your penalty payment of \$450, the signed Field Citation, and your compliance submittals. By signing the Field Citation you have agreed to the Compliance Order/Settlement Agreement and have certified that all violations cited in the Field Citation have been corrected.

Enclosed you will find a copy of the Field Citation with the Compliance Order/Settlement Agreement issued by EPA. EPA has approved the Settlement Agreement based on your signed certification and supporting compliance documentation. EPA will take no further civil action against you for the violations listed in the Notice of Violation provided that all listed violations have been timely corrected. EPA may choose to re-inspect your facility and if EPA identifies any violations during the re-inspection, such findings would be your second violation of Federal underground storage tank (UST) regulations. A second offense may result in a civil action which may include seeking penalties of up to \$32,500 per UST system per day of violation. In addition, as indicated in Part 2 of the Settlement Agreement, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions regarding this letter or any other related matter, please contact Claudia Gutierrez, of my staff, at (212) 637-4945 or by e-mail at gutierrez.claudia@epa.gov. Thank you for your cooperation.

Sincerely Yours,


Dennis J. McChesney, Ph.D, MBA, Leader
UST Team

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

Enclosure

cc: Judy Drabicki
Regional Director
DEC Region 6
317 Washington Street
Watertown, NY 13601

SEP-28-2009 13:53

USEPA

KEEP THIS COPY FOR YOUR RECORDS

1 212 637 4211

P.01/01

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 2

290 Broadway, New York, NY 10007-1866

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. II-UST-FC-537EC

PART I: INSPECTION SUMMARY

On: September 18, 2008 Time: N/A
(Date of Inspection)At: East Side Glass 6-502936
(Facility Name and Identification Number)Address: 400 Broad Street
Utica, NY 13501

(Name of On-site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator:

Affiliation: OwnerName: Anthony MeolaAddress: 1509 Eagle Street
Utica, NY 13501

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to continue operation and maintenance of corrosion protection system in a temporarily closed tank system
Cite: §280.70(a) Proposed Penalty: \$150

2. Violation: Failure to permanently close or upgrade a temporarily closed tank system after 12 months
Cite: §280.70(c) Proposed Penalty: \$300

3. Violation:
Cite: Proposed Penalty: \$

4. Violation:
Cite: Proposed Penalty: \$

5. Violation:
Cite: Proposed Penalty: \$

6. Violation:
Cite: Proposed Penalty: \$

7. Violation:
Cite: Proposed Penalty: \$

PROPOSED PENALTY TOTAL: \$450

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

(Signature of Authorized Officer or Employee of EPA)

Date: 9/28/09

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$450 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 2, EPA, or his or her authorized delegate. Upon that approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE

Name (print): Joe Zito Pres JAZito Enterprises Inc.Title (print): President JAZito Enterprises Inc.Signature: [Signature] Date: 9/28/09

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (print): Dennis J. McChesneyTitle (print): TEAM LEADER - UST TEAMSignature: [Signature] Date: 09/28/09Notes: new owner is

JAZito Enterprises, Inc.
400 Broad St. Utica, NY
13501

Joe Zito
President

PAX # 212-637-4211

MAY 21 2009



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5943 0125

Anthony Meola
1509 Eagle Street
Utica, New York 13501

Re: Field Citation No. II-UST-FC-537EC
East Side Glass
400 Broad Street
Utica, NY 13501

Dear Mr. Meola:

An Underground Storage Tank (UST) inspection performed at your facility on or about September 18, 2008 revealed that violations of federal UST regulations were present. The enclosed **PROPOSED EXPEDITED ENFORCEMENT COMPLIANCE ORDER AND SETTLEMENT AGREEMENT** provides a list of the identified federal UST violation(s), associated penalty amount(s), and instructions for submitting payment and submitting documentation that the UST violation(s) at the facility has been corrected. Please review the Proposed Expedited Enforcement Compliance Order and Settlement Agreement and accompanying instructions carefully, and respond as indicated in the instructions.

Please direct all correspondence to:

Dennis J. McChesney, Ph.D, MBA, Team Leader
UST Team
U.S. EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
Attn: Claudia Gutierrez

If you have any questions regarding this letter or other related matter, please contact Claudia Gutierrez of my staff at (212) 637-4945 or gutierrez.claudia@epa.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. McChesney", is written over the typed name.

Dennis J. McChesney, Ph.D, MBA, Team Leader
UST Team

Enclosures

cc: Judy Drabicki (w/enclosure)
Regional Director
DEC Region 6
317 Washington Street
Watertown, NY 13601

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 2
290 Broadway, New York, NY 10007-1866

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. II-UST-FC-537EC

PART I: INSPECTION SUMMARY

On: September 18, 2008 Time: N/A
 (Date of Inspection)

At: East Side Glass 6-502936
 (Facility Name and Identification Number)

Address: 400 Broad Street
Utica, NY 13501

(Name of On-site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator:

Affiliation: Owner

Name: Anthony Meola

Address: 1509 Eagle Street
Utica, NY 13501

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to continue operation and maintenance of corrosion protection system in a temporarily closed tank system

Cite: §280.70(a) Proposed Penalty: \$150

2. Violation: Failure to permanently close or upgrade a temporarily closed tank system after 12 months

Cite: §280.70(c) Proposed Penalty: \$300

3. Violation:

Cite: Proposed Penalty: \$

4. Violation:

Cite: Proposed Penalty: \$

5. Violation:

Cite: Proposed Penalty: \$

6. Violation:

Cite: Proposed Penalty: \$

7. Violation:

Cite: Proposed Penalty: \$

PROPOSED PENALTY TOTAL: \$450

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

(Signature of Authorized Officer or Employee of EPA)

Date: 5/20/09

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$450 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 2, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (print): _____

Title (print): _____

Signature: _____ Date: _____

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (print): _____

Title (print): _____



Signature: _____ Date: _____

Notes:

INSTRUCTIONS

On the reverse side is an Underground Storage Tank (UST) Field Citation Form (Form) for expedited settlement. If you, the Owner or Operator, wish to settle this case using this Form, you must do the following:

1. Correct the violation(s) cited in Part I of the Form ("Part I");
2. Pay the total penalty amount listed in Part I in accordance with the directions provided below;
3. Sign the Settlement Agreement in Part II of the Form ("Part II") (or in the case when an Owner or Operator is a corporate entity, have an authorized representative sign it); and
4. Return the Field Citation Form along with documentation of compliance and payment information (sufficient for EPA to track payment) to EPA at the following address (within the 30-day time limit specified below):

 Dennis J. McChesney, Ph.D, MBA, Team Leader
UST Team
U.S. EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007 


This settlement process is optional. You are not required to submit this Form to EPA. If you do not submit this Form, EPA will conclude that you are not interested in pursuing an expedited settlement. EPA will then consider other actions to resolve these violations including the possibility of formal administrative or judicial enforcement.

Whether you submit the Form or not, you are by law required to correct any noncompliance and comply with all applicable UST requirements. EPA will not approve the Settlement Agreement if there is an alteration of any of the information in the Form or if the payment submitted is less than the full amount of settlement.

Timeline: The Form must be postmarked no later than thirty (30) days after the date of the inspection. In the event the Form is sent to you via registered or certified mail, the timeline begins on the date of receipt of that mail. If EPA does not receive the Form within thirty (30) days, EPA will conclude that you do not wish to pursue expedited settlement. EPA will then consider taking other actions to resolve these violations including pursuing formal administrative or judicial enforcement. (Note: All time periods and deadlines in the Form, including these Instructions, are in calendar days. If a deadline falls on a Saturday, Sunday, or federal holiday, EPA will consider the deadline to fall on the next business day.)

Requesting An Extension: EPA may grant, at its discretion, an extension of thirty (30) days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the 30-day extension period).

Requesting that EPA Modify or Withdraw the Form: If you can document that you were in compliance with the regulations cited in Part I at the time of the inspection, you must submit that documentation to EPA within fifteen (15) calendar days of your receipt of the Form. EPA will review the documentation and may choose to not pursue enforcement or may withdraw some or all of the violations and reissue a modified Form to the Owner/Operator (via certified or registered mail) for any violations that are not withdrawn.

 **Payment:** Payment can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. The check should refer to the Field Citation Form Number (located at the top of the Form). If no such number is provided on the Form, the check should have the name of the facility on it. Other forms of payment such as wire transfers and online payment are also accepted by EPA. For further information on those other forms of payment, please email CINWD_AcctsReceivable@epa.gov or use the EPA contact listed below.

Settlement Agreement Certification: By signing the Settlement Agreement in Part II, you are certifying under penalty of law that you have corrected the violations, submitted true and accurate documentation of compliance, and have paid the penalty. Failure to meet those conditions means you will remain liable for the original violations with the possibility of being liable for additional violations for noncompliance with the Compliance Order and for making a false representation to the U.S. Government.

EPA Review: Once EPA has received the Form, EPA will review it and the documentation of compliance, and verify that payment was made. If EPA decides to settle the case using this Field Citation, EPA will sign and approve the Settlement Agreement and the Compliance Order and send a copy of the completed Form to you. Once EPA has signed the Compliance Order and Settlement Agreement, you and EPA are bound by their terms. EPA reserves the right not to pursue settlement under the Field Citation and instead pursue formal enforcement. In that event, you will be promptly reimbursed for the amount you paid into the U.S. Treasury when submitting the Field Citation.

If you have any questions, please contact Claudia Gutierrez of my staff at (212) 637-4945 or by e-mail at gutierrez.claudia@epa.gov.

Revised March 2009

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 2

290 Broadway, New York, NY 10007-1866

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. II-UST-FC-537EC

PART I: INSPECTION SUMMARY

On: September 18, 2008 Time: N/A
(Date of Inspection)

At: East Side Glass 6-502936
(Facility Name and Identification Number)

Address: 400 Broad Street
Utica, NY 13501

(Name of On-site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator:

Affiliation: Owner

Name: Anthony Meola

Address: 1509 Eagle Street
Utica, NY 13501

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to continue operation and maintenance of corrosion protection system in a temporarily closed tank system

Cite: §280.70(a) Proposed Penalty: \$150

2. Violation: Failure to permanently close or upgrade a temporarily closed tank system after 12 months

Cite: §280.70(c) Proposed Penalty: \$300

3. Violation:

Cite: Proposed Penalty: \$

4. Violation:

Cite: Proposed Penalty: \$

5. Violation:

Cite: Proposed Penalty: \$

6. Violation:

Cite: Proposed Penalty: \$

7. Violation:

Cite: Proposed Penalty: \$

PROPOSED PENALTY TOTAL: \$450

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

(Signature of Authorized Officer or Employee of EPA)

Date: 5/20/09

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$450 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 2, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (print): _____

Title (print): _____

Signature: _____ Date: _____

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (print): _____

Title (print): _____

Signature: _____ Date: _____

Notes:

INSTRUCTIONS

On the reverse side is an Underground Storage Tank (UST) Field Citation Form (Form) for expedited settlement. If you, the Owner or Operator, wish to settle this case using this Form, you must do the following:

1. Correct the violation(s) cited in Part I of the Form ("Part I");
2. Pay the total penalty amount listed in Part I in accordance with the directions provided below;
3. Sign the Settlement Agreement in Part II of the Form ("Part II") (or in the case when an Owner or Operator is a corporate entity, have an authorized representative sign it); and
4. Return the Field Citation Form along with documentation of compliance and payment information (sufficient for EPA to track payment) to EPA at the following address (within the 30-day time limit specified below):

Dennis J. McChesney, Ph.D, MBA, Team Leader
UST Team
U.S. EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007

This settlement process is optional. You are not required to submit this Form to EPA. If you do not submit this Form, EPA will conclude that you are not interested in pursuing an expedited settlement. EPA will then consider other actions to resolve these violations including the possibility of formal administrative or judicial enforcement.

Whether you submit the Form or not, you are by law required to correct any noncompliance and comply with all applicable UST requirements. EPA will not approve the Settlement Agreement if there is an alteration of any of the information in the Form or if the payment submitted is less than the full amount of settlement.

Timeline: The Form must be postmarked no later than thirty (30) days after the date of the inspection. In the event the Form is sent to you via registered or certified mail, the timeline begins on the date of receipt of that mail. If EPA does not receive the Form within thirty (30) days, EPA will conclude that you do not wish to pursue expedited settlement. EPA will then consider taking other actions to resolve these violations including pursuing formal administrative or judicial enforcement. (Note: All time periods and deadlines in the Form, including these Instructions, are in calendar days. If a deadline falls on a Saturday, Sunday, or federal holiday, EPA will consider the deadline to fall on the next business day.)

Requesting An Extension: EPA may grant, at its discretion, an extension of thirty (30) days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the 30-day extension period).

Requesting that EPA Modify or Withdraw the Form: If you can document that you were in compliance with the regulations cited in Part I at the time of the inspection, you must submit that documentation to EPA within fifteen (15) calendar days of your receipt of the Form. EPA will review the documentation and may choose to not pursue enforcement or may withdraw some or all of the violations and reissue a modified Form to the Owner/Operator (via certified or registered mail) for any violations that are not withdrawn.

Payment: Payment can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. The check should refer to the Field Citation Form Number (located at the top of the Form). If no such number is provided on the Form, the check should have the name of the facility on it. Other forms of payment such as wire transfers and online payment are also accepted by EPA. For further information on those other forms of payment, please email CINWD_AcctsReceivable@epa.gov or use the EPA contact listed below.

Settlement Agreement Certification: By signing the Settlement Agreement in Part II, you are certifying under penalty of law that you have corrected the violations, submitted true and accurate documentation of compliance, and have paid the penalty. Failure to meet those conditions means you will remain liable for the original violations with the possibility of being liable for additional violations for noncompliance with the Compliance Order and for making a false representation to the U.S. Government.

EPA Review: Once EPA has received the Form, EPA will review it and the documentation of compliance, and verify that payment was made. If EPA decides to settle the case using this Field Citation, EPA will sign and approve the Settlement Agreement and the Compliance Order and send a copy of the completed Form to you. Once EPA has signed the Compliance Order and Settlement Agreement, you and EPA are bound by their terms. EPA reserves the right not to pursue settlement under the Field Citation and instead pursue formal enforcement. In that event, you will be promptly reimbursed for the amount you paid into the U.S. Treasury when submitting the Field Citation.

If you have any questions, please contact Claudia Gutierrez of my staff at (212) 637-4945 or by e-mail at gutierrez.claudia@epa.gov.

Revised March 2009

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 2

290 Broadway, New York, NY 10007-1866

UNDERGROUND STORAGE TANK (UST) FIELD CITATION FORM FOR EXPEDITED SETTLEMENT NO. II-UST-FC-537EC

PART I: INSPECTION SUMMARY

On: September 18, 2008 Time: N/A
(Date of Inspection)At: East Side Glass 6-502936
(Facility Name and Identification Number)Address: 400 Broad Street
Utica, NY 13501

(Name of On-site Representative if not the Owner or Operator)

Name and address of the UST Owner or Operator:

Affiliation: OwnerName: Anthony MeolaAddress: 1509 Eagle Street
Utica, NY 13501

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Violation: Failure to continue operation and maintenance of corrosion protection system in a temporarily closed tank systemCite: §280.70(a) Proposed Penalty: \$1502. Violation: Failure to permanently close or upgrade a temporarily closed tank system after 12 monthsCite: §280.70(c) Proposed Penalty: \$300

3. Violation:

Cite: Proposed Penalty: \$

4. Violation:

Cite: Proposed Penalty: \$

5. Violation:

Cite: Proposed Penalty: \$

6. Violation:

Cite: Proposed Penalty: \$

7. Violation:

Cite: Proposed Penalty: \$

PROPOSED PENALTY TOTAL: \$450

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

(Signature of Authorized Officer or Employee of EPA)

Date: 5/7/09

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$450 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 2, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:

Name (print): _____

Title (print): _____

Signature: _____ Date: _____

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:

Name (print): _____

Title (print): _____

Signature: _____ Date: _____

Notes:

INSTRUCTIONS

On the reverse side is an Underground Storage Tank (UST) Field Citation Form (Form) for expedited settlement. If you, the Owner or Operator, wish to settle this case using this Form, you must do the following:

1. Correct the violation(s) cited in Part I of the Form ("Part I");
2. Pay the total penalty amount listed in Part I in accordance with the directions provided below;
3. Sign the Settlement Agreement in Part II of the Form ("Part II") (or in the case when an Owner or Operator is a corporate entity, have an authorized representative sign it); and
4. Return the Field Citation Form along with documentation of compliance and payment information (sufficient for EPA to track payment) to EPA at the following address (within the 30-day time limit specified below):

Dennis J. McChesney, Ph.D, MBA, Team Leader
UST Team
U.S. EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007

This settlement process is optional. You are not required to submit this Form to EPA. If you do not submit this Form, EPA will conclude that you are not interested in pursuing an expedited settlement. EPA will then consider other actions to resolve these violations including the possibility of formal administrative or judicial enforcement.

Whether you submit the Form or not, you are by law required to correct any noncompliance and comply with all applicable UST requirements. EPA will not approve the Settlement Agreement if there is an alteration of any of the information in the Form or if the payment submitted is less than the full amount of settlement.

Timeline: The Form must be postmarked no later than thirty (30) days after the date of the inspection. In the event the Form is sent to you via registered or certified mail, the timeline begins on the date of receipt of that mail. If EPA does not receive the Form within thirty (30) days, EPA will conclude that you do not wish to pursue expedited settlement. EPA will then consider taking other actions to resolve these violations including pursuing formal administrative or judicial enforcement. (Note: All time periods and deadlines in the Form, including these Instructions, are in calendar days. If a deadline falls on a Saturday, Sunday, or federal holiday, EPA will consider the deadline to fall on the next business day.)

Requesting An Extension: EPA may grant, at its discretion, an extension of thirty (30) days if you can demonstrate that it is not feasible for you to come into compliance within the initial 30-day time period. You must request that extension in writing before the initial 30-day time period expires. That written request must explain why compliance within 30 days is not feasible and it must contain a schedule for when you will come into compliance (which must not extend beyond the 30-day extension period).

Requesting that EPA Modify or Withdraw the Form: If you can document that you were in compliance with the regulations cited in Part I at the time of the inspection, you must submit that documentation to EPA within fifteen (15) calendar days of your receipt of the Form. EPA will review the documentation and may choose to not pursue enforcement or may withdraw some or all of the violations and reissue a modified Form to the Owner/Operator (via certified or registered mail) for any violations that are not withdrawn.

Payment: Payment can be made by sending a personal or certified check made out to the "Treasury of the United States" to the following address: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. The check should refer to the Field Citation Form Number (located at the top of the Form). If no such number is provided on the Form, the check should have the name of the facility on it. Other forms of payment such as wire transfers and online payment are also accepted by EPA. For further information on those other forms of payment, please email CINWD_AcctsReceivable@epa.gov or use the EPA contact listed below.

Settlement Agreement Certification: By signing the Settlement Agreement in Part II, you are certifying under penalty of law that you have corrected the violations, submitted true and accurate documentation of compliance, and have paid the penalty. Failure to meet those conditions means you will remain liable for the original violations with the possibility of being liable for additional violations for noncompliance with the Compliance Order and for making a false representation to the U.S. Government.

EPA Review: Once EPA has received the Form, EPA will review it and the documentation of compliance, and verify that payment was made. If EPA decides to settle the case using this Field Citation, EPA will sign and approve the Settlement Agreement and the Compliance Order and send a copy of the completed Form to you. Once EPA has signed the Compliance Order and Settlement Agreement, you and EPA are bound by their terms. EPA reserves the right not to pursue settlement under the Field Citation and instead pursue formal enforcement. In that event, you will be promptly reimbursed for the amount you paid into the U.S. Treasury when submitting the Field Citation.

If you have any questions, please contact Claudia Gutierrez of my staff at (212) 637-4945 or by e-mail at gutierrez.claudia@epa.gov.

Revised March 2009



United States Environmental Protection Agency (EPA)

Region 2
290 Broadway
New York, NY 10007-1866

Underground Storage Tank (UST) Inspection Form

INSPECTOR NAME(S):

JEFF BLAIR

DATE:

9/13/08

SIC CODE:

1793

ICIS #:

1400004978

I. Location of Tank(s) <input type="checkbox"/> Tribal		II. Ownership of Tank(s) <input type="checkbox"/> same as location (I.)	
Facility Name EAST SIDE GULF/ANTHONY MEDIA		Owner Name ANTHONY MEDIA	
Street Address 400 BROAD STREET		Street Address 1509 EAGLE STREET	
City UTICA,	State NY	City UTICA,	State NY
Zip Code 13501		Zip Code 13501	
County ONEIDA		County ONEIDA	
Phone Number (315) 733-3762	Fax Number	Phone Number (315) 734-0831	Fax Number
Contact Person(s) ANTHONY MEDIA, OWNER JOE ZITO, OPERATOR (SHOP)		Contact Person(s) ANTHONY MEDIA - cell 315 794 3008	
IIA. Ownership of Other Facilities			
<input checked="" type="checkbox"/> Do you own other UST Facilities Yes <input checked="" type="checkbox"/> No			
If Yes, How many Facilities _____		How many USTs _____	
III. Notification			
<input type="checkbox"/> Notification to implementing agency; name State Facility ID # NYS DEC (EFFECTIVE THROUGH 08/23/10) 6-502936			
IV. Financial Responsibility N/A			
<input type="checkbox"/> State Fund _____ <input type="checkbox"/> Guarantee <input type="checkbox"/> Surety Bond <input type="checkbox"/> Local Government <input type="checkbox"/> Self Insured <input type="checkbox"/> Private Insurance: Insurer/Policy # _____ <input type="checkbox"/> Letter of Credit <input type="checkbox"/> Not Required (Federal & State government, hazardous substance USTs)			
V. Release History N/A <input checked="" type="checkbox"/>			
<input type="checkbox"/> To your knowledge, are there any public or private Drinking Water Wells in the vicinity? Yes <input checked="" type="checkbox"/> No			
<input type="checkbox"/> Evidence of release or spills at facility <input type="checkbox"/> Greater than 25 gallons (estimate) <input type="checkbox"/> Releases reported to implementing agency; if so, date(s) _____ [280.53] <input type="checkbox"/> Release confirmed; when and how _____ <input type="checkbox"/> Initial abatement measures and site characterization <input type="checkbox"/> Free product removal <input type="checkbox"/> Soil or ground water contamination <input type="checkbox"/> Corrective action plan submitted <input type="checkbox"/> Remediation ongoing <input type="checkbox"/> Remediation completed, no further action; date(s) _____			
Notes: Joe Zito - 315 733-3762 JKB 9/13/08			

VI. Tank Information	Tank No.	1	2				
Tank presently in use		NO	→				
If not, date last used (see Section XII)		?	?				
If empty, verify 1" or less left (see Section XII)		NO 4 7/8"	?				
Capacity of Tank (gal)		550 G	1000 G				
Substance Stored		WASTE OIL	#2 FUEL OIL				
M/Y Tank installed / Upgraded		?	08/06				
Tank Construction : Bare steel, Sti-P3, Retrofitted sacrificial anode, Impressed Current, Composite, FRP, Interior lining, Vaulted, Double-walled (DW)		STEEL					
Spill Prevention		N/A					
Overfill Prevention (specify type)		1					
Special Configuration: Compartmentalized, Manifolded		NO					

VII. Piping Information							
Piping Type : Pressure, Suction		N/A					
Piping Construction: Bare steel, Sacrificial Anode, Impressed Current, Flex, FRP, Double-walled (DW)		?					

Tank and Piping Notes: TANK # 2 USED ONLY FOR HEATING (EXEMPT)

TANK # 1 CONTAINS 4 7/8" OF WASTE OIL

VIII. Cathodic Protection							
		N/A <input type="checkbox"/>					
Integrity Assessment conducted prior to upgrade							
Interior Lining:	Interior lining inspected						
Impressed Current	CP Test records						
	Rectifier inspection records						
Sacrificial Anode:	CP test records						

CP Notes:

NO CATHODIC PROTECTION ON STEEL WASTE OIL TANK

Tank No.	1					
IX. UST system used solely by Emergency Power Generator	NO					
X. Release Detection N/A <input type="checkbox"/>						
<u>Tank RD Methods</u>	ATG					
	Interstitial Monitoring					
	Groundwater Monitoring					
	Vapor Monitoring					
	Inventory Control w/ TTT					
	Manual Tank Gauging					
	Manual Tank Gauging w/ TTT					
	SIR					
<u>12 Months Passing Monitoring Records</u>						
Tank RD Notes: NO RECORDS OF ANY LEAK DETECTION ON TANK						
<u>Pressurized Piping RD Methods</u>		N/A <input checked="" type="checkbox"/>				
<u>12 Months Passing Monitoring Records</u>	Interstitial Monitoring					
	Groundwater Monitoring					
	Vapor Monitoring					
	SIR					
<u>ALLD</u>	Annual Line Tightness Test					
	Present					
	Annual Test					
Piping RD Notes:						

XI. RepairsN/A ☒

Repaired tanks and piping are tightness tested within 30 days of repair completion

Y ☐ N ☐ Unknown ☐

CP systems are tested/inspected within 6 months of repair of any cathodically protected UST system

Y ☐ N ☐ Unknown ☐

Records of repairs are maintained

Y ☐ N ☐ Unknown ☐**XII. Temporary Closure**N/A ☐

CP continues to be maintained

Y ☐ N ☒ Unknown ☐

UST system contains product and release detection is performed

Y ☐ N ☒ Unknown ☐

Cap and secure all lines, pumps, manways

Y ☒ N ☐ Unknown ☐**Notes:**

OWNER STATED HE DID NOT KNOW WASTE OIL TANK EXISTED



THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 2
UST PROGRAM
Ground Water Compliance Section
New York, NY 10007-1866

Inspector Observation Report
Inspection of Underground Storage Tanks (USTs)

<input type="checkbox"/> No violations observed at the conclusion of this inspection.	
<input type="checkbox"/> The above named facility was inspected by a duly authorized representative of EPA Region 2, and the following are the inspector's observations and/or recommended corrective action(s):	
Violations Observed:	
Regulatory Citation	Violation Description
§ 280.70(a)	FAILURE TO CONTINUE OPERATION AND MAINTENANCE OF
§	CORROSION PROTECTION SYSTEM AND RELEASE DETECTION IN
§	A TEMPORARILY CLOSED TANK SYSTEM
§ 280.70(c)	FAILURE TO PERMANENTLY CLOSE OR UPGRADE A
§	TEMPORARILY CLOSED TANK SYSTEM AFTER 12 MONTHS
§	
§	
§	
Actions Taken: <input type="checkbox"/> Field Citation; # _____ <input type="checkbox"/> Additional information required <input type="checkbox"/> On-site request/Due date _____	
Comments/Recommendations: - OWNER WAS NOT AWARE OF WASTE OIL TANKS EXISTANCE	
Name of Owner/Operator Representative: ANTHONY MEOLA (Please print) Anthony Meola (Signature)	Name of EPA Inspector/representative JEFFREY K BLAIR (Please print) Jeffrey K Blair (Signature) (Credential Number) Date of Inspection 9/18/08 Time 1:45 AM/PM

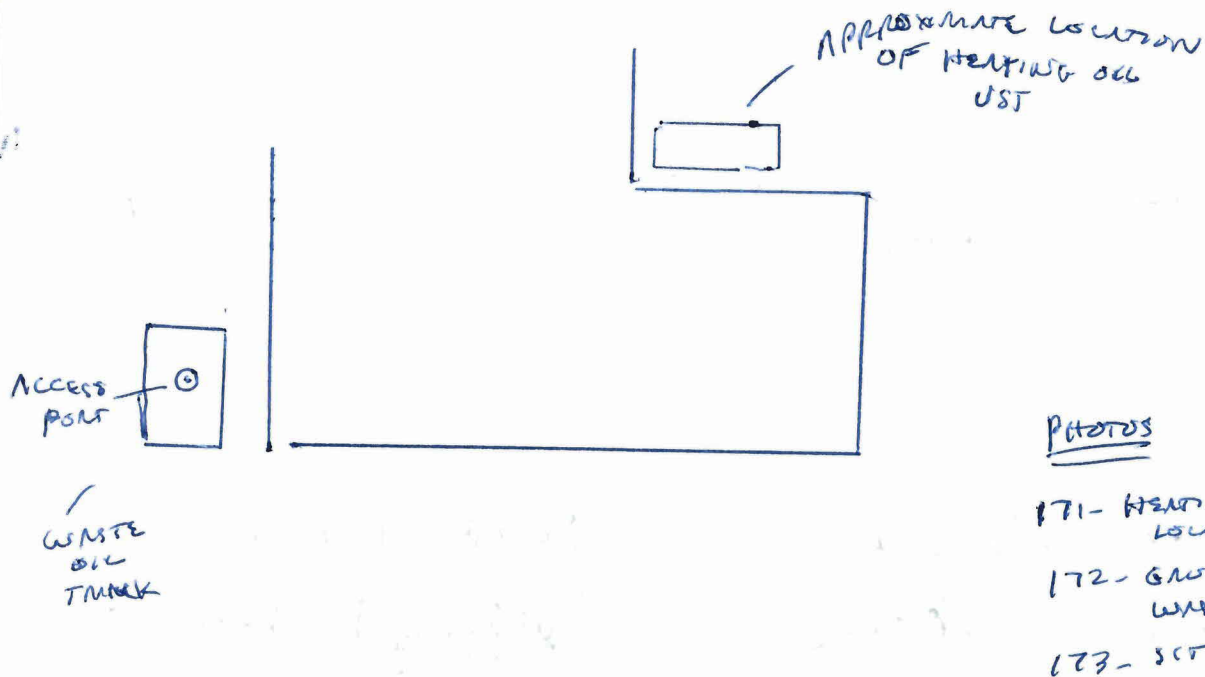
SITE DRAWING

DATE: 9/18/08 TIME ON SITE: 12:50PM TIME OFF SITE: 1:50PM

WEATHER: 75° + SUNNY

ENVIRONMENTALLY SENSITIVE AREA: Y ☐ N ☒

If "Yes", please describe:



PHOTOS

- 171- HEATING OIL UST LOCATION
- 172- GROUND OF WHITE OIL TANK
- 173- SITE (VIC)

☒ Pictures



Required Fields to be used for ICIS Only

Compliance Monitoring

Activity: UST Inspection

Inspection Conclusion Data Sheet

1) Did you observe deficiencies (preferred violations) during the on-site inspection? **Yes**

Deficiencies observed: (Put an **X** for each observed deficiency)

☐ Potential failure to complete or submit a notification, report, certification, or manifest

☒ Potential failure to follow or develop a required management practice or procedure

☒ Potential failure to maintain a record or failure to disclose a document

☒ Potential failure to maintain/inspect/repair meters, sensors, and recording equipment

☐ Potential failure to report regulated events, such as spills, accidents, etc.

2) If you observed deficiencies, did you communicate the deficiencies to the Facility during the inspection? **Yes / No**

3) Did you observe the Facility take any actions during the inspection to address the deficiencies noted? **Yes / No**

If yes, what actions were taken?

4) Did you provide general Compliance Assistance in accordance with the policy on the role of the EPA Inspector in providing Compliance Assistance during Inspections? **Yes / No**

5) Did you provide site-specific Compliance Assistance in accordance with the policy on the role of the EPA Inspector in providing Compliance Assistance during the inspection? **Yes / No**

Release Prevention Compliance Measures Matrix

Regulatory Subject Area	Measure #	SOC Measure / Federal Citation	In Compliance?		
			N/A	Y	N
I. Spill Prevention	1	Spill prevention device is present and functional. [280.20(c)(1)(i), 280.21(d)]	✓		
II. Overfill Prevention	2	Overfill prevention device is present and operational. [280.20(c)(1)(ii), 280.21(d)]	✓		
		<input type="checkbox"/> Automatic shutoff is operational (ie., device not tampered with or inoperable) [280.20(c)(1)(ii)(A), 280.21(d)] <input type="checkbox"/> Alarm is operational. [280.20(c)(1) (ii)(B), 280.21(d)] <input type="checkbox"/> Alarm is audible or visible to delivery driver. [280.20(c)(1) (ii)(B), 280.21(d)] <input type="checkbox"/> Ball float is operational. [280.20(c)(1)(ii)(B), 280.21(d)]			
III a. Operation and Maintenance	3	Repaired tanks and piping were tightness tested within 30 days of repair completion (not required w/internal inspections or if monthly monitoring is in use). [280.33(d)]	✓		
III b. Operation and Maintenance of Corrosion Protection	4	CP systems were tested/inspected within 6 months of repair of any cathodically protected UST system. [280.33(e)]	✓		
	5	Corrosion protection system is properly operated and maintained to provide continuous protection. [280.31(a)(b), 280.70(a)] <input type="checkbox"/> UST system (Choose one) <input type="checkbox"/> UST in operation <input checked="" type="checkbox"/> UST in temporary closure <input type="checkbox"/> CP System is properly operated and maintained <input type="checkbox"/> CP system is performing adequately based on results of testing. [280.31(b)]; - or - <input type="checkbox"/> CP system tested within required period and operator is conducting or has completed appropriate repair in response to test results reflecting CP system not providing adequate protection.			✓

Release Prevention Compliance Measures Matrix

Regulatory Subject Area	Measure #	SOC Measure / Federal Citation	In Compliance?		
			N/A	Y	N
III b. Operation and Maintenance of Corrosion Protection (Continued)	6	UST systems with impressed current cathodic protection are inspected every 60 days. [280.31(c)]	✓		
	7	Lined tanks are inspected periodically and lining is in compliance. [280.21(b)(1)(ii)]	✓		
IV. Tank and Piping Corrosion Protection	8	Buried metal tank and piping (which includes fittings, connections, etc.) is corrosion protected. [280.20(a), 280.20(b), 280.21(b), 280.21(c)]			✓
		<input type="checkbox"/> Buried metal piping components (such as swing joints, flex-connector, etc.) are isolated from the soil or cathodically protected. For new USTs – tanks and piping installed after 12/22/88 [280.20(a), 280.20(b)]: <input type="checkbox"/> Steel tank or piping is coated with suitable dielectric material and cathodically protected. [280.20(a)(2), 280.20(b)(2)] <input type="checkbox"/> Tank is fiberglass, clad, or jacketed and piping is fiberglass or flexible plastic. [280.20(a)(1), 280.20(a)(3), 280.20(a)(5), 280.20(b)(1), 280.20(b)(4)] <input type="checkbox"/> Records are available to document that CP is not necessary. [280.20(a)(4)(ii), 280.20(b)(3)(ii)] For existing USTs – tanks and piping installed on or before 12/22/88 [280.21(b), 280.21(c)]: <input type="checkbox"/> Tank and piping meet new UST requirements [280.21(a)(1)] <input type="checkbox"/> Steel tank is internally lined. [280.21 (b)] <input type="checkbox"/> Metal tank and piping are cathodically protected. [280.21(b)(2), 280.21(c)]	NO CATHODIC PROTECTION		

Notes: N/A – Indicates that the measure is not applicable.

Any mark in the “N” (No) column means that the facility is not in Significant Operational Compliance (SOC) with Release Prevention Compliance Measures.
In order for a compliance measure to be in SOC, all applicable check-box items must be in compliance.

Release Detection Compliance Measures Matrix

*Instructions – To Determine Compliance Status of Measures #1-7,
Work Through the Worksheet “Commonly Used Release Detection Methods” Below.*

Regulatory Subject Area	Measure #	SOC Measure/ Federal Citation	In Compliance?		
			N/A	Y	N
I. Release Detection Method Presence and Performance Requirements	1	Release detection method is present. [280.40(a)]	✓		
	2	Release detection system is operating properly (i.e., able to detect a release from any portion of the system that routinely contains product). [(280.40(a)(1)]	✓		
	3	Release detection system meets the performance standards at 280.43 or 280.44. [(280.40(a)(3)]	✓		
	4	Implementing agency has been notified of suspected release as required. [(280.40(b)] <input type="checkbox"/> Non-passing results reported and resolved in accordance with implementing agency's directions. [280.40(b)]	✓		
II. Release Detection Testing	5	Tanks and piping are monitored monthly for releases and records are available (must have records for the two most recent consecutive months and for 8 months of the last 12 months). [280.41(a), and 280.45(b)]	✓		
III. Hazardous Substance UST Systems	6	Hazardous substance UST system leak detection meets the requirements (i.e., either secondarily contained or otherwise approved by the implementing agency). [280.42(b)]	✓		
IV. Temporary Closure	7	Release detection requirements are complied with (i.e., method present, operational, releases investigated and reported as required) for UST systems containing product. [280.70(a)]			✓

Worksheet - Commonly Used Release Detection Methods

Tank (Choose one)	Pressurize d Pipe (Choose Two)	Non-exempt Suction Pipe (Choose one)	Release Detection Method
<input type="checkbox"/>			A. Inventory Control with Tank Tightness Testing (T.T.T) <input type="checkbox"/> Inventory control is conducted properly. <input type="checkbox"/> T.T.T. performed as required (See “D” below). <input type="checkbox"/> Inventory volume measurements for inputs, withdrawals, and remaining amounts are recorded each operating day and reconciled as required. [280.43(a)(1), 280.43(a)(3)] <input type="checkbox"/> Equipment is capable of 1/8-inch measurement. [280.43(a)(2)] <input type="checkbox"/> Product dispensing is metered and recorded within local standards for meter calibration to required accuracy. [280.43(a)(5)] <input type="checkbox"/> Water is monitored at least monthly. [280.43(a)(6)]

Release Detection Compliance Measures Matrix

Worksheet (Continued) - Commonly Used Release Detection Methods			
Tank (Choose one)	Pressurized Pipe (Choose Two)	Non-exempt Suction Pipe (Choose one)	Release Detection Method
<input type="checkbox"/>			B. Automatic Tank Gauge (ATG) <ul style="list-style-type: none"> <input type="checkbox"/> ATG is set up properly. [280.40(a)(2)] <input type="checkbox"/> ATG can detect a 0.2 gal/hr leak rate from any portion of the tank routinely containing product. [280.43(d)(1)] <input type="checkbox"/> ATG is checking portion of tank that routinely contains product. [280.40(a)(1)]
<input type="checkbox"/>			C. Manual Tank Gauging (MTG) <ul style="list-style-type: none"> <input type="checkbox"/> Tank size is appropriate for using MTG. [280.43(b)(5)] <ul style="list-style-type: none"> <input type="checkbox"/> Tanks 1001 gals (as per EPA memo) and greater restricted to use with T.T.T. (See "D" below) <input type="checkbox"/> Method is being conducted correctly. [280.43(b)(4)] <input type="checkbox"/> No liquid was added to or taken out of the tank during the test. [280.43(b)(1)] <input type="checkbox"/> Equipment is capable of 1/8-inch measurement. [280.43(b)(3)]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D. Tightness Testing (Safe Suction piping does not require testing) <ul style="list-style-type: none"> <input type="checkbox"/> Testing method is capable of detecting a 0.1 gal/hr leak rate from any portion of tank routinely containing product. [280.43(c)] <input type="checkbox"/> Tightness testing is conducted within specified time frames for method: <ul style="list-style-type: none"> <input type="checkbox"/> Tanks – every 5 years [280.41(a)(1)] <input type="checkbox"/> Pressurized Piping – annually [280.41(b)(1)(ii)] <input type="checkbox"/> Non-exempt suction piping – every 3 years [280.41(b)(2)] <input type="checkbox"/> Tightness testing is conducted following manufacturer's instructions. [280.40(a)(3)]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E. Ground Water or Vapor Monitoring <ul style="list-style-type: none"> <input type="checkbox"/> Ground water in the monitoring well is never more than 20 feet from the ground surface. [280.43(f)(2)] <input type="checkbox"/> Vapor monitoring well is not affected by high ground water. [280.43(e)(3)] <input type="checkbox"/> Site assessment has been done for vapor or ground water monitoring. [280.43(e)(6), 280.43(f)(7)] <input type="checkbox"/> Wells are properly designed and positioned. [280.43(e)(6), 280.43(f)(7)]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F. Interstitial Monitoring <ul style="list-style-type: none"> <input type="checkbox"/> Secondary containment can be used to detect a release [280.43(g)(1)], 280.43(g)(2)] <input type="checkbox"/> Sensor properly positioned. [280.40(a)(2)]

Release Detection Compliance Measures Matrix

Worksheet (Continued) - Commonly Used Release Detection Methods			
Tank <small>(Choose one)</small>	Pressurize d Pipe <small>(Choose Two)</small>	Non-exempt Suction Pipe <small>(Choose one)</small>	Release Detection Method
	<input type="checkbox"/>		G. Automatic Line Leak Detector (ALLD) <input type="checkbox"/> ALLD is present and operational. [280.44(a)] <input type="checkbox"/> Annual function test of the ALLD has been conducted and records are available. [280.44(a)]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H. Other Methods [e.g., Statistical Inventory Reconciliation (S.I.R.)] <input type="checkbox"/> The method can detect a 0.2 gal/hr leak rate or a release of 150 gal within a month and meet the 95/5 requirement [280.43(h)(1)]; or <input type="checkbox"/> The implementing agency has approved the method as being as effective as tank tightness testing, automatic tank gauging, vapor monitoring, ground water monitoring, or interstitial monitoring and the operator complies with any conditions imposed by agency. [280.43(h)(2)] <input type="checkbox"/> S.I.R. - Results are received within time frame established by implementing agency. [280.41(a) & 280.43(h)]

Notes: N/A – Indicates that the measure is not applicable.

Any mark in the “N” (No) column means that the facility is not in Significant Operational Compliance (SOC) with Release Detection Compliance Measures.

In order for a compliance measure to be in SOC, all applicable check-box items must be in compliance.